

former spouses

Central Intelligence Agency



Washington, D.C. 20505

OLL 84-0619

16 FEB 1984

STAT

I am writing to you in response to your letter to President Reagan concerning the pension rights of former spouses of Central Intelligence Agency (CIA) employees.

At the outset, I would like to state that we sympathize with the plight of the former spouses you described in your letter. Former CIA spouses deserve recognition and respect for the efforts they have made on behalf of their families and their country.

In Public Law 97-269, as you note, this recognition is limited to pension rights for former spouses divorced after 15 November 1982. At the time Congress was considering this bill, retroactive application of the rights created under this bill was also considered. However, to avoid interference with existing retirement and survivor payments and conflict with existing divorce decrees and property settlements, Congress limited the former spouse's pension rights to prospective divorce actions occurring after the effective date of the bill.

The difficult problem of retroactive legislation affecting settled legal rights remains a substantial impediment to the Congressional action you suggest. Consequently, any inequities in divorce actions completed prior to 15 November 1982 should be addressed in the courts having jurisdiction over divorce. As you may know, federal retirement annuities are subject to apportionment by state courts under a statute enacted in 1980. Under this authority, a state court may direct the federal government to pay a portion of an annuitant's lifetime pension to "another person" pursuant to a divorce decree. This provision of law may thus be exercised in favor of any former spouse, regardless of the date of divorce. However, please note that it applies only to division of an annuitant's lifetime pension, not to survivor benefits.

I hope that this explanation is helpful to you.

Sincerely,

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

DISTRIBUTION:

Original - Addressee

1 - OLL Chrono

✓ 1 - LEG File: Former Spouses (Permanent)

1 - ROD Signer

1 - D/OLL

1 - DD/OLL

1 - General Counsel (Attn:)

1 - OP (Attn:)

ROD:csH (13 February 1984)

STAT
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UNITED STATES CIVIL SERVICE COMMISSION

#5648

L 11/30

STAT,

Consult
DGC, for ad
in answering this

STAT

Date: 11/21/83

File:

REFERRAL

SUBJECT: Pension rights

The item identified in the subject has been sent to the office shown below because it appears to be a matter for their consideration. Please direct any future correspondence about the matter to the address below:

Additional remarks:

FORWARDED FOR ACTION TO:

**Central Intelligence Agency
Washington, D.C. 20505**

(Send original to correspondent and carbon copy with communication to appropriate office.)

**CSC Form 4173
MARCH 1969**

STAT

September 26, 1983

President Ronald Reagan
The White House
Washington, D. C.

Dear President Reagan:

I am a former CIA spouse married 30 years and divorced in 1979. PL 97-269, enacted in November 1982, addresses the pension rights for former CIA spouses; however, there is no retroactivity clause in the law. It does not address the pension rights of those divorced prior to November 1982.

The long-term former military, foreign service and CIA spouses without pension rights is a group needing your support. The Foreign Service wife has special impediments to economic independence, resulting exclusively from her husband's employment. Cultural, legal and linguistic barriers prevented her from working overseas. When she could work, constant international mobility usually prevented her from vesting in any sort of retirement plan. When divorced, she was left after long years of unpaid government service abroad with no employment record, no modern skills and no Social Security. Some of these aging women have residual health problems as a direct result of their residence at overseas posts.

The problems are complicated for all former spouses:

- 1) Our retirement funds often amount to what we can accrue beginning at divorce. (For me it is what I can amass in a 10 year period - age 55-65)
- 2) Age discrimination is highest among the elderly in the workforce.
- 3) If work can be found, we are competing in an overall tight employment market.
- 4) Social Security benefits may be nonexistent. CIA, for example, is not within the Social Security system.
- 5) Jobs often are at an entry level.
- 6) We will increase the load of the welfare system which is abhorrent.
- 7) We cannot afford adequate medical insurance.

I strongly encourage you to address the issue of equitable pension rights for these women who were not covered by legislation passed in recent years. Please support retroactivity legislation which would entitle them to the benefits already bestowed on other former spouses of government employees.

Sincerely,

STAT

cc: House Committee on Foreign Affairs
Senate Committee on Foreign Affairs
Senators Baker, Hatfield, Goldwater, Metzenbaum,
Dole, Hart, Inouye

TO : XXXXXXXXXXXXXX DD/OLL, DD/OLL		DATE OF REQUEST 2/13/84	
FROM : Legislation Division		SUSPENSE DATE	
SUBJECT: Former Spouses Letter			
NOTES Attached for your signature is a letter to regarding a letter she wrote to President Reagan concerning former spouses.			
<i>original sent 2/16</i>			
COORDINATE	as offices)		STAT
NAME	<div style="border: 1px solid black; width: 150px; height: 100px;"></div>	OFFICE OP	DATE
NAME		OFFICE OGC	DATE
NAME		OFFICE OGC	DATE
NAME		OFFICE	DATE
ACTION REQUIRED BY XX D/OLL Signature on letter.			

General/ 000.1531

8-1-220

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Retroactive Legislation for Former Spouse Pension Rights

FROM:

Legislation Division
Office of Legislative Liaison

EXTENSION

NO.

DATE 13 January 1984

STAT

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. General Counsel

AF

ACTION REQUESTED: Your review and comments on the attached draft letter responding to a letter from

STAT

2.

to

STAT

President Reagan seeking support for legislation providing pension rights to former CIA spouses divorced prior to November 1982.

3.

4.

STAT

5.

6.

cc:

STAT

7.

8.

Legislation Division
Office of Legislative
Liaison
Room 7B42, Hdq.

2/9/82

AF

1. to 8.

STAT

We are turning your proposed draft with some suggested revisions approved by the GC and C/ALD.

10.

11.

12.

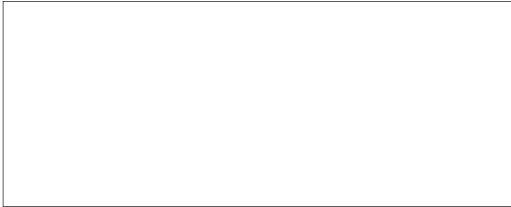
13.

14.

15.

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Director, Office of Legislative Division